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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,841	03/09/2001	Steven Francis Colborne	LEICA/9	8013
2292	7590	10/31/2005		
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
			EXAMINER CORRIELUS, JEAN B	
			ART UNIT 2637	PAPER NUMBER

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/802,841

Applicant(s)

COLBORNE ET AL.

Examiner

Jean B Corrielus

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5,9-18 and 22-26 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 2,6-8 and 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/4/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 5, paragraph 0012 recites applying a clock to a counter, resetting the counter; and using the counter value as a measure of clock phase. Shouldn't the counter be reset before applying the clock phase? It appears that if the counter is reset after applying the clock, the counter will not provide a measure of the clock phase, as the counter will be forced to a predetermined state, in most instances, zero.

Appropriate correction is required.

Claim Objections

2. Claims 2, 6-8 and 19-21 are objected to because of the following informalities:

Claim 2, line 5, "profile" should be deleted so as to be consistent with recitation in claim 1, line 11.

Claim 6 recites a step of deriving from the subsample clock signals a measure of clock phase within each interval, however such step is not connected to the succeeding recited step in other words, the last step of generating recited in the claim does not make use or refer to the previously recited step of deriving.

Claim 8 recites applying a clock to a counter, resetting the counter; and using the counter value as a measure of clock phase. Shouldn't the counter be reset before applying the clock phase? It appears that if the counter is reset after applying the clock, the counter will not provide a measure of the clock phase, as the counter will be forced

to a predetermined state, in most instances, zero. The same comment applies to claim 21.

Claim 19 recites a unit to derive from the subsample clock signals a measure of clock phase within each interval, however such limitation does not appear to be connected to the subsequent recitation of "a unit for generating the desired signal" in other words, the last element "a unit for generating" recited in the claim does not make use or refer to the previously recited limitation in lines 9-10.

Claims 7 and 20 are likewise objected because of their dependency to an objected claim.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps of determining in the receiver **a frequency difference between the received GPS code rate and the locally generated GPS code rate**; applying the frequency difference to **the locally generated GPS code rate to provide an adjusted locally generated GPS code rate**" as recited in claims 9, and the corresponding limitations recited in claims 14 and 22; the step dividing the frequency difference by a selected value, using a counter to provide an output signal whenever the counter overflows, to indicate that the frequency difference has resulted in a cumulative phase error equivalent to a whole code rate period; and the step of deriving a code phase value includes multiplying the code rate period by the ratio of the current counter contents to a full counter value, as recited in claim 10, the unit for applying, the unit for resetting and the unit for using, as

recited in claim 21, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Response to argument

4. The objection to figures 6-9 has been withdrawn. The objection to the drawing with respect to the limitations of claim 9 has been partially withdrawn. In view of applicant objection to insert "profile" after "signal" in claim 3, line 2, the objection to claim 3 has been withdrawn. However, claim 2, line 5, recites "profile" after "signal", the

use of such word is objected to as set forth above for consistency. For the reason provided for claim 3, the objection to claim 4 has been withdrawn. In addition, the objection to claims 1, 5-21 and 23-26 has been withdrawn. However, upon further consideration claims 6-8 and 19-21 are again objected for the reasons set forth above.

Applicant's comments with respect to the claimed limitations not shown in the drawing are not convincing. It is stated that a detailed description showing the claimed limitations are not essential for proper understanding of the invention. However, as noted in the MPEP, 37.C.F.R. 1.83(a), the drawing has to **show every feature of the claimed invention** and conventional feature, such as a low pass filter, should be illustrated in the drawing in the form of a drawing symbol or a labeled representation. Examiner maintains that the claimed limitations as set forth above under the drawing objection must be shown or the feature canceled from the claim(s), as required by MPEP, 37.C.F.R. 1.83(a).

Allowable Subject Matter

5. Claims 1, 3-5, 9-18, 22-26 are allowed.
6. Claims 2, 6-8 and 19-21 would be allowable if amended to overcome the objection sets forth above.
7. This application is in condition for allowance except for the formal matters noted above.


Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is 571-272-3020. The examiner can normally be reached on Maxi-Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean B Corrielus
Primary Examiner
Art Unit 2637

10-28-05